

EXHIBIT M

From: Andy Rubin. Sent: 8/11/2007 4:56 PM.
 To: [-] Bob Lee.
 Cc: [-] Brian Swetland; Dan Bornstein.
 Bcc: [-] .
 Subject: Re: [jc-user] New OpenJDK Community Technology Compatibility Kit License (TCK).

...and as far as GPL-ing the VM, everything that is linked with the VM would get infected.

The problem with GPL in embedded systems is that it's viral, and there is no way (for example) OEMs or Carriers to differentiate by adding proprietary works. We are building a platform where the entire purpose is to let people differentiate on top of it.

Finally, Sun has a different license for its library for SE and ME. The SE library is LGPL, ME library is GPL. That means anything that links with the ME library gets infected. And the SE library is not optimized for embedded systems.

Sun chose GPL for this exact reason so that companies would need to come back to them and take a direct license and pay royalties.

Tricky, no? Why would we want to do anything to support this behavior? We want to distance ourselves as much as possible from Sun.

- andy

PS -- we negotiated 9 months with Sun and decided to walk away after they threatened to sue us over patent violations

On Aug 11, 2007, at 3:47 PM, Dan Bornstein wrote:

> On 8/11/07, Bob Lee <crazybob@google.com> wrote:
 >> I thought you guys might be interested in the reactions to Sun's
 >> TCK licensing announcement
 >> on the Java Champions mailing list. Sun's not fooling anyone. (The
 >> list isn't public, so please
 >> don't forward further.)
 >
 > I'm sure you agree that this is a totally unsurprising move by Sun.
 >
 >> Would it make sense for us to use Sun's Java library
 >> implementation and license Dalvik under
 >> the GPL? I think that would count as "substantial derivation" in
 >> which case we'd get a TCK
 >> license, right? :)
 >
 > I see the smiley, but in a word, no.
 >

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 230

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> I don't think there is a substantial benefit to getting access to the
> TCK, and any attempt to work loopholes would just open us up to more
> trouble down the road. We are committed to implementing our own
> libraries at this point along with associated tests, and we are basing
> it off of the Apache Harmony work, which is already substantially
> complete and has a fair number of tests.
>
> We will no doubt have bugs that would have been caught by Sun's TCK,
> but I am confident that we will be compatible *enough* by first-ship,
> such that developers won't find themselves running into gotchas due to
> compliance bugs.
>
> -dan